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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9 NADYNNE S.,

10                   Plaintiff,

Case No. C19-5163-MLP

11                   v.

ORDER

12 COMMISSIONER OF SOCIAL  
13 SECURITY,

Defendant.

14                   This matter comes before the Court on Plaintiff's motion for relief under Federal Rule of  
15 Civil Procedure 59(e). (Dkt. # 18.) After reviewing the motion and the remainder of the record,  
16 the Court DENIES Plaintiff's motion (dkt. # 18) as explained below.

17                   A motion for reconsideration under Federal Rule of Civil Procedure 59(e) "offers an  
18 extraordinary remedy, to be used sparingly in the interest of finality and conservation of judicial  
19 resources." *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (internal citations and  
20 quotation marks omitted). "Indeed, 'a motion for reconsideration [under Rule 59(e)] should not  
21 be granted, absent highly unusual circumstances, unless the district court is presented with newly  
22 discovered evidence, committed clear error, or if there is an intervening change in the controlling  
23 law.'" *Id.* (quoting *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)). "A

1 motion for reconsideration may not be used to get a second bite at the apple.” *Campion v. Old*  
2 *Republic Home Protection Co., Inc.*, 2011 WL 1935967, at \*1 (S.D. Cal. May 20, 2011).

3 In this case, Plaintiff’s motion reiterates and expands upon the briefing already presented,  
4 and explains why Plaintiff continues to believe that the Commissioner’s decision was erroneous.  
5 (Dkt. # 18.) Plaintiff’s claim of clear error notwithstanding, this disagreement does not  
6 demonstrate clear error. Accordingly, Plaintiff’s Rule 59(e) motion (dkt. # 18) is DENIED.

7 Dated this 6th day of November, 2019.

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10 MICHELLE L. PETERSON  
11 United States Magistrate Judge  
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